

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JOHN H. HAMILTON,

Plaintiff,

V.

STATE OF DELAWARE,

Defendant.

WHEREAS, after having considered the applicable legal principles, the court concludes that it lacks subject matter jurisdiction to compel the Delaware Supreme Court to exercise its appellate jurisdiction;

IT IS HEREBY ORDERED that:

1. The plaintiff's Motion for Writ of Mandamus (D.I. 1) is DENIED.
2. The plaintiff's case is DISMISSED.
3. The Clerk of the Court is directed to close this case.

Dated: March 28 , 2005

/s/ Gregory M. Sleet
UNITED STATES DISTRICT JUDGE